

SACRAMENTO – A series of new proposals cracking down on the sale of tobacco to minors was announced today by State Health Director Diana M. Bontá, R.N., Dr.P.H. and Director of the Department of Alcohol and Drug Programs Kathryn Jett.

“Every business that sells tobacco products has a responsibility to ensure that no underage youth is allowed to buy those products,” Bontá said. “The key to stopping the illegal sale of tobacco to minors is for merchants to verify the buyer’s age on every potential sale.”

The proposals, which are outlined in an Executive Order issued today from Gov. Gray Davis, require the following:

- 1 The California Department of Health Services (CDHS) will immediately pursue legislation to increase the penalties for selling tobacco to minors, violating other tobacco retail laws and for failure to post the Stop Tobacco Access to Kids Enforcement (STAKE) Act warning sign. CDHS will also pursue legislation to ensure that local law enforcement has authority to enforce the STAKE Act in local communities.
- 2 All state agencies that inspect retail establishments must check for the presence of STAKE Act warning signs and notify CDHS of violators.
- 3 All state agencies that license, inspect or otherwise conduct business with retailers must add information regarding the illegality of tobacco sales to minors, including the 1-800-5-ASK-4-ID complaint line, to their websites, mailings to retailers, newsletters and other appropriate retailer communications.

“The State will double its public education campaign to stop the illegal sale of cigarettes to minors,” Jett said. “I am redirecting \$2 million from our Federal Prevention and Treatment Block Grant to assist the Department of Health Services in this effort.”

The Departments of Health Services and Alcohol and Drug Programs will collaborate with business, retail and law enforcement communities to do the following:

- 1 Encourage retailers who engage in health related businesses, such as pharmacies and drug stores, to refrain from selling tobacco products.
- 2 Encourage statewide retail associations to inform their members about the law that prohibits the sale of tobacco products to minors and take steps to ensure that their members obey the law.
- 3 Encourage local law enforcement to actively work with the State to reduce

illegal sales of tobacco to minors.

The Executive Order also prohibits all tobacco product sales, promotion and sponsorship at state-owned or leased facilities and at individual events at state facilities.

While teen smoking has declined in California, illegal sales of tobacco to minors have increased from 12.8 percent in 2000 to 17.1 percent in 2001 and 19.3 percent in 2002. According to the California Youth Purchase Survey, 2002, non-traditional tobacco retailers had the highest rates of illegal sales to minors: doughnut shops, 33.3 percent; discount/gift stores, 32.4 percent; deli/meat/product markets, 30 percent. Other businesses with high rates of illegal sales were gas/convenience stores, 22 percent, and liquor stores, 20.1 percent. The lowest rate of illegal sales was at supermarkets, 8.5 percent.

The STAKE Act requires that tobacco retailers post a warning sign at each point-of-sale stating that selling tobacco to individuals under 18 years of age is illegal and subject to penalties. Warning signs must also include the toll-free telephone number (1-800-5-ASK-4-ID) that customers may use to report underage tobacco sales. This act also mandates compliance checks of tobacco retailers and imposes fines on retailers who break the law.